

**PATENT**

Docket:

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: *(check one applicable item below)*

- ☒ original  
☐ design  
☐ supplemental

*Note: If the Declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.*

- ☐ national stage of PCT

*Note: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.*

- ☐ divisional  
☐ continuation  
☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

*WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

OPTICAL DISK APPARATUS AND CHARACTERISTIC DETERMINING METHOD

## SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

- ☒ (a) is attached hereto.
- ☐ (b) was filed on \_\_\_\_\_ as ☐ Serial No. \_\_\_\_\_ or  
☐ Express Mail No. *(as Serial No. not yet known)* \_\_\_\_\_  
and was amended on \_\_\_\_\_ *(if applicable)*.

*Note: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the Declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental Declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.*

- ☐ (c) was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_  
*(if any)*.

## ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

*(also check the following items, if desired)*

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

## PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

- ☐ (d) no such applications have been filed.
- ☒ (e) such applications have been filed as follows.

*Note: Where item (c) is entered above and the international application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.*

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

<b>COUNTRY (OR INDICATE IF PCT</b>	<b>APPLICATION NUMBER</b>	<b>DATE OF FILING (day/month/year)</b>	<b>PRIORITY CLAIMED UNDER 35 USC 119</b>
Japan	Patent Application  No.2003-003313	9/January/2003	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<b>PROVISIONAL APPLICATION NUMBER</b>	<b>FILING DATE</b>

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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*Note: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.*

## POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (*list name and registration number*).

Thomas F. Peterson, 24790; Richard J. Streit, 25765; Donald P. Reynolds, 26220; W. Dennis Drehkoff, 27193; Vangelis Economou, 32341; Brian W. Hameder, 45613; Valerie Neymeyer-Tynkov, 46956; Paul B. West, 18947; Joseph H. Handelman, 26179; Peter D. Galloway 27885; John Richards, 31503; Iain C. Baillie, 24090; Richard P. Berg, 28145

☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

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### SEND CORRESPONDENCE TO:

Richard J. Streit  
c/o Ladas & Parry  
224 South Michigan Avenue  
Suite 1200  
Chicago, Illinois 60604

### DIRECT TELEPHONE CALLS TO:

(*Name and telephone number*)

(312) 427-1300

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## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

*Note: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.*

### Full name of sole or first inventor

TAKUYA

(Given Name)

(Middle Initial or Name)

YAMAMOTO

(Family (or Last) Name)

Inventor's signature Takuya Yamamoto

Date December 19, 2003 Country of Citizenship Japan

Residence Atsugi-Shi, Kanagawa, Japan

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**Full name of second joint inventor, if any**

MASAO

(Given Name)

FUKAYA

(Family (or Last) Name)

**Inventor's signature** Masao Fukaya

**Date** December 19, 2003 **Country of Citizenship** Japan

**Residence** Atsugi-Shi, Kanagawa, Japan

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**Full name of third joint inventor, if any**

(Given Name)

(Middle Initial or Name)

(Family (or Last) Name)

**Inventor's signature**

**Date** **Country of Citizenship**

**Residence**

**Post Office Address**

**Full name of fourth joint inventor, if any**

(Given Name)

(Middle Initial or Name)

(Family (or Last) Name)

**Inventor's signature**

**Date** **Country of Citizenship**

**Residence**

**Post Office Address**

**Full name of fifth joint inventor, if any**

(Given Name)

(Middle Initial or Name)

(Family (or Last) Name)

**Inventor's signature**

**Date** **Country of Citizenship**

**Residence**

**Post Office Address**